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THE HOUSE: 1985

A SUMMARY OF LEGISLATIVE ACTIONS

GOVERNMENT DOCUMENT
COLLECTION

SEP 17 1986

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From the office of

SPEAKER GEORGE KEVERIAN

Massachusetts House of Representatives

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1985 SESSION STATISTICS

TOTAL BILLS

House No.	<u>7041</u>
Senate No.	<u>2680</u>

TOTAL CHAPTERS (As of 1/9/86)

Acts	<u>785</u>
Resolves	<u>12</u>

BILLS AWAITING GOVERNOR APPROBATION (As of 1/9/86): 29

* * * * *

HOUSE OF REPRESENTATIVES

Total Adverse Reports Accepted	<u>1588</u>
Total Bills Rejected	<u>50</u>

THIRD READING

Total Bills Ordered to a Third Reading	<u>1091</u>
Total Reported	<u>1000</u>
Matters Remaining	<u>91</u>

Total Bills Passed to be Engrossed	<u>968</u>
Total Bills Enacted	<u>820</u>

ROLL CALL VOTES

A total of 1096 roll calls were ordered, of which 204 were quorum roll calls.

SOME NOTABLE LEGISLATIVE ACHIEVEMENTS

EDUCATION REFORM LAW - (Chapter 188)

This \$550 million measure to overhaul public school education in the Commonwealth includes the following:

- Equal Education Opportunity grants to assist school districts that do not meet a minimum expenditure standard equal to 85 percent of the average statewide spending per pupil.
- State funds to school districts that wish to bring their teachers' minimum salary up to \$18,000. It will also allow school districts to enhance salaries of veteran teachers who are already above the \$18,000 sum.
- Mandates basic skills testing that requires each student to be tested three times during his or her elementary and secondary academic schooling. The Commonwealth will be empowered to withhold any or all funding from a school district which has a failure rate of 50 percent above the state average. Also provides for periodic curriculum testing and a data bank to organize test data from all areas of the state.
- Establishes independent councils at each elementary and secondary school which will create innovative academic programs and services for students. The state will support these efforts at the rate of \$10 per enrolled student. The councils include two parents, another adult, three teachers and the school principal who will serve as chairperson.
- Allots, at the discretion of the Board of Education, funds for the development of pre-kindergarten, early childhood and day care programs. Lower income school districts will receive 75% of these funds.
- Provisions for both tuition and loan forgiveness incentives for students who agree to teach on a full time basis within a public education system in the Commonwealth.

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HOUSING ACT OF 1985 - (Chapter 748)

A \$344.4 million construction and rehabilitation measure to build some 3,555 housing units statewide for low income, elderly and handicapped persons. The largest housing bill ever enacted by the Commonwealth. It provides bonding authorization for the following:

- \$101 million for production of 1,400 units of family housing on scattered sites.
- \$66.6 million for 1,300 units of elderly housing.
- \$30.0 million for 800 units of housing for the special needs population.
- \$91.5 million for renovation of existing state-assisted public housing of which \$500,000 is earmarked for the renovation of space in existing public housing for day care facilities.

- \$35 million for a demonstration program to provide recourse to renovate deteriorated federally-assisted public housing.

- \$20 million for Community Development Action Grant funding to aid in promoting the development of new home ownership opportunities.

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ANNUAL STATE BUDGET - (Chapter 140)

Enacted prior to the July 1st deadline for only the second time in nine years, the annual state budget, totalling \$8.8 billion, allocated:

- \$3.17 billion for human services.
- \$2.87 billion for local aid.
- \$1.5 billion for debt service, general government and miscellaneous.
- \$601.4 million for education.
- \$585 million for public works.
- \$579.4 million for public safety.

Also included was a one-time \$250 million allocation for the pension system, the largest contribution ever. A \$315 million increase in the human services budget added \$15 million for mental health care, \$2.3 million for research and care of elderly victims of Alzheimer's disease, \$1.8 million for AIDS research and care, \$7 million to reduce the state's infant mortality rate and \$8.8 million to aid insured pregnant women.

The local aid figure included \$273 million in new direct local aid.

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SURTAX REPEAL (Chapter 593)

The largest tax cut in Massachusetts history accomplishes the following:

- Repeals the 7.5% surtax over a two-year period, half in 1986 and half in 1987. Results in a \$285 million saving to taxpayers.
- Increases the no-tax status for single tax filers to \$6,000 and for joint tax filers to \$10,000. Effective in 1986, these changes provide major tax relief for the elderly and the working poor and save taxpayers \$11 million.
- Establishes a new schedule of declining exemption which will cut taxes of middle income families earning between \$10,000 to \$40,000 annually.

- By the end of 1987, repeal of the surtax plus the other tax reforms included in the repeal legislation will have reduced workers' income tax payments by some \$330 million annually.

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BIENNIAL TRANSPORTATION BOND ISSUE (Chapter *)

Authorizes bonding in excess of \$1.9 billion in the following major categories:

- \$658.8 million for MBTA Capital Improvements Program.
- \$540 million federal aid other than interstate highways.
- \$300 million for interstate highways.
- \$100 million for reconstruction and resurfacing.
- \$60 million for engineering.
- \$33 million for MDC highway and bridge program.
- \$30.7 million for airport development.
- \$30 million for ongoing off-street parking garage program.
- \$25 million for state bridges.
- \$25 million for the economic development road program.
- \$10 million for the acquisition of open space on highways.
- \$10 million for new Department of Public Works heavy fleet equipment.

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WORKERS COMPENSATION (Chapter 572)

A complete overhaul of the workers compensation system that:

- Raises old permanent and total disability recipients and survivors up to 1986 levels with annual cost of living increases, capped at 10% annually.
- Awards for specific injuries raised by one third and awards are indexed to state average weekly wages.
- Provides long-term partial disability benefits and vocational rehabilitation to suitable employees.
- Creates a Division of Dispute Resolution; 16-member board and a four-member review board. Establishes four permanent regional offices.
- Sets flat attorneys' fees.
- Provides for notice to all parties of each proceeding and of all relevant medical data.
- Sets a four-year statute of limitation on claims. Prohibits claims by spouses and children. Provides no benefits for mental disability as a result of layoff, transfer or demotion.

OTHER MAJOR NEW LAWS
LEGISLATION SIGNED INTO LAW

BANKING

CHAPTER 405

FDIC INSURANCE COVERAGE FOR SAVINGS AND
CO-OPERATIVE BANKS

Facilitates acquisition of FDIC insurance coverage for deposits in state chartered savings and co-operative banks and provides for partial dissolution of existing state insurance funds. \$21 million of the state insurance fund assets will be turned over to the so-called "Super Fund" which is used for hazardous waste cleanup purposes. Monies from these insurance funds which are distributed to individual banks are subject to income tax and tax monies received from this source, to a maximum of \$35 M dollars, are to be allocated to the Massachusetts Housing Partnership Fund to produce housing for low and moderate income households, to broaden opportunities for home ownership for such persons and families, and to aid in the reclamation of abandoned property for use as housing.

CHAPTER 428

REBATES ON CONSUMER CREDIT LOANS

Prohibits the Sum of Digits Method (Rule of 78's) from being used as a method of rebate in consumer credit transactions. The sum of digits method is unfavorable to the consumer.

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BUSINESS

CHAPTER 4

UNEMPLOYMENT INSURANCE REDUCTION

Reduces business unemployment insurance tax by over \$120 million.

CHAPTER 580

RACING INDUSTRY REGULATION

Restructures the tax takeout on horse racing, by reducing the state share from 5% to 3% and by earmarking the money to higher purses, capital improvement, and promotion, raises harness racing takeout on exotic wagering from 19% to 23% and again

earmarking the money to higher purses, capital improvement, and promotion. Increases simulcasting from current 20 events for all tracks per year to the federal limit (a formula; possibly as many as 85 or more). Increases harness racing dates from 360 to 440. Establishes special commission on dog racing to report by April 30, 1986.

CHAPTER 760

NEW MINIMUM WAGE ACT

As of July 1, 1986 sets the minimum wage at \$3.55 and increases it to \$3.75 by July 1, 1988.

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CITIES AND TOWNS

CHAPTER 145

HOTEL, MOTEL TAX AIDS CITIES AND TOWNS

Authorizes cities and towns to impose a tax of up to 4% on hotel or motel rooms. Also allows the imposing of a tax on aircraft jet fuel at the rate of 5% of the average price of fuel used in fueling jet aircraft in that municipality.

CHAPTER 210

POLICE CHIEF REMOVAL HEARING

A local option law that requires a hearing must be held before a chief of police can be removed from office.

CHAPTER 9

MORE FLEXIBILITY IN SETTING TOWN MEETINGS AND SUBMITTING BUDGET IN CITIES

Gives local administrative and legislative bodies more flexibility during the budget process by extending the deadline date for submission of city budget from the previous 90 days to 120 days.

CHAPTER 408

SPECIAL PERMITS FOR ZONING PURPOSES

Allows individuals a longer period of time to commence construction before a special

permit expires by exempting from consideration any period of time the special permit issue is in litigation.

CHAPTER 402

CIVIL SERVICE PREFERENCE TO SONS AND DAUGHTERS OF DISABLED POLICE OFFICERS/FIREFIGHTERS

Gives specific recognition to the children of police and fire personnel totally disabled in the line of duty.

CHAPTER 52

ESTIMATED TAX BILLS

Cities and towns undertaking a general revaluation scheduled for completion prior to February 1, 1986 are authorized to issue estimated tax bills that may not exceed 50% of the tax payable during the preceding year.

CHAPTER 156

SURPLUS USE BY CITIES AND TOWNS

Permits local officials to use short term revenue surpluses to offset serious long-term fiscal obligations.

CHAPTER 25

TAX EXEMPT REAL PROPERTY ON TAX ROLLS

Tax exempt property formerly owned by a government entity or non profit organization and sold can be assessed on a date other than January 1st and a pro forma tax assessed.

CHAPTER 708

TAX CREDIT FOR INSTALLING RENEWABLE ENERGY SYSTEMS

Extends the state tax credit granted for the installation of renewable energy systems in residences until 1987.

CHAPTER 644

TENANTS ACCESS TO CABLE TELEVISION

Provides that landlords cannot prevent the installation of cable television service in their buildings when tenants desire such service.

Grants to municipalities the legal authority to halt the showing of obscene material on basic service cable television.

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CONSUMER PROTECTION

CHAPTER 607

REGULATION OF HEALTH CLUBS

Requires new health clubs to post surety bonds to guarantee return of contracted amounts if the club closes. Also provides for a three-day cooling off period during which members can cancel their contracts.

CHAPTER 156

TAMPERING WITH AUTOMOBILE ODOMETER

Increases the penalty for tampering with an odometer with the intent to misrepresent the information to a prospective purchaser. Fine increased from not less than \$100, nor more than \$500, to not less than \$500, nor more than \$1000. Also calls for increases in jail sentences.

CHAPTER 728

UREA FORMALDEHYDE DETECTION

This law creates an industry-funded program to detect formaldehyde gas in homes insulated with urea formaldehyde foam insulation. The fund will pay for the removal of the urea formaldehyde foam insulation if necessary.

CHAPTER 618

LICENSING OF AUCTIONEERS

Establishes state wide registration of auctioneers. Applicants would be required to post a \$10,000 bond to help satisfy any claims against the auctioneer.

CHAPTER 702

AUTOMOBILE LEMON LAW

Strengthens current law:
1) clarifies consumer's right to reject a

nonconforming vehicle and demand a refund, 2) arbitration between the manufacturer and consumer is mandatory if consumer requests it, 3) discourages a manufacturer from frivolous appeals, 4) attorney general can initiate proceedings if manufacturer fails to comply with arbitrator's award.

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COUNTIES

CHAPTER 396

COUNTY ADVISORY BOARDS INCREASED AUTHORITY OF EXPENDITURES

Corrective legislation that gives to the county advisory boards the power to approve certified county bills that are over one year old.

CHAPTER *

COUNTY GOVERNMENT HOME RULE

Under this law, county government has the opportunity to expand their areas of governmental service by adopting a home rule charter. It further provides two alternate means for establishing a charter study commission.

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CRIMINAL JUSTICE/JUDICIARY

CHAPTER 153

ASSAULT-BATTERY ON PUBLIC TRANSPORTATION EMPLOYEES

Adds to current law by making it a crime punishable by a minimum 2 1/2 year jail term or a maximum fine of \$5000 for assault on a public transportation employee.

CHAPTER 334

PROVIDING FOR THE PLACEMENT OF JUVENILES IN SECURE FACILITIES

Allows courts to recommend that a child be held in a secure detention facility under certain conditions.

CHAPTER 355

PRESERVATION OF RAPE EVIDENCE

Provides that a hospital shall inform a rape victim that evidence of the rape will be preserved for six months upon the written request of the victim.

CHAPTER 316

RELATIVE TO THE ADOPTION OF CHILDREN

Prohibits any persons other than duly authorized adoption agents from offering children for adoption.

CHAPTER 209

REPORTING CHILD ABUSE CASES

Requires District Court Clerk/Magistrate to report child abuse cases to the Department of Social Services.

CHAPTER 442

PARENTAL RESTITUTION IN JUVENILE CASES

Provides that parents shall be liable for up to \$5000 in restitution in a civil action for any willful act committed by their child.

CHAPTER 101

SMALL CLAIMS ACTION

Increases small claims limits from \$1200 to \$1500.

CHAPTER 343

REPORTING SEXUAL OFFENSES AGAINST CHILDREN

Requires the Department of Social Services to report to the District Attorney all sexual offenses against children.

CHAPTER 589

JUSTIFIABLE KILLING OF PERSON UNLAWFULLY IN A DWELLING

Exempts from civil liability occupants of a dwelling for the justifiable killing or injuring of persons unlawfully in a dwelling.

CHAPTER 425

RELEASE OF JUVENILE DELINQUENTS' NAMES

Permits the release of the name of certain juvenile delinquents if the individual is

charged with a felony and has been found delinquent by reason of two previous felonies.

CHAPTER 345

DISTRIBUTING CIGARETTES TO MINORS

Sets a \$100 fine for distributing cigarettes to minors, \$200 for second offense and \$300 for third and subsequent offenses.

CHAPTER 340

FALSE I.D. TO PURCHASE ALCOHOL

Makes illegal the use of another person's motor vehicle license for the purchase of alcoholic beverages.

CHAPTER 312

BREAKING INTO A MOTOR VEHICLE AT NIGHT

Adds to the present law by making it a felony to break into an automobile in the nighttime.

CHAPTER 536

THE CRIME OF HAZING

Creates and defines the crime of hazing and sets penalties of up to 100 days of imprisonment or fines up to \$1000.

CHAPTER 197

INCREASED FINES FOR LITTERING

Provides for a fine of up to \$1000 if convicted of disposing of rubbish on or near a highway.

CHAPTER 348

PENALTY FOR DEFRAUDING A MOTEL

This law ties the penalty for defrauding a motel to the amount defrauded and gives the innkeeper legal protection in cases of false arrest and imprisonment.

CHAPTER 196

FALSE ALARMS

Increases the reward a city/town can offer for information leading to the arrest and conviction of individual ringing false alarms from \$50 to \$500.

CHAPTER 320

INCREASED FINE FOR USING BOMB

Increases the fines from \$5,000 to \$25,000 for illegal use of a bomb.

CHAPTER 347

ASSAULT ON EMERGENCY MEDICAL PERSONNEL

Assault on an emergency medical technician in the course of his/her duties shall be punished by a maximum of 2 1/2 years in a House of Correction and or a maximum \$5,000 fine.

CHAPTER 785

FUNDING FOR THE PREVENTION OF SUICIDES IN JAILS

Provides \$10 million to pay for the costs of improvements to jails and lockups for the prevention of suicides. Improvements include the installation of transparent wall facing, covering all bar structures, audio systems and time check devices.

CHAPTER 682

VIDEOTAPING OF CHILDREN'S TESTIMONY

Allows for the taking of testimony from a child under 15 years of age who has been the alleged victim of or a witness to a sex offense by videotaping on closed circuit television. A preponderance of evidence that the child is likely to suffer trauma from testifying in open court is required for such video testimony.

CHAPTER 605

COMPENSATION OF VICTIMS OF VIOLENT CRIMES

Provides more equitable benefits for victims of violent crimes. Also conforms state law to federal law so that the state will be eligible to receive federal funds for such use.

CHAPTER 752

SEXUALLY DANGEROUS PERSONS - TREATMENT AND RELEASE

Redefines the list of offenses which trigger a commitment. In addition, it establishes a new evaluation procedure and establishes a six-member review board.

CHAPTER 646

PENALTIES FOR ILLEGALLY DISPOSING OF
HAZARDOUS WASTE

Requires a license to collect, transport, store or dispose hazardous waste. it increases the penalty for violating this law to include a state prison sentence of up to 20 years and a maximum fine of \$100,000.

CHAPTER *

CONSTRUCTION AND IMPROVEMENTS TO JAILS AND
CORRECTIONAL INSTITUTIONS

Provides up to \$273 million to expand state prison and correctional facilities.

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EDUCATION

CHAPTER 111

SCHOOL PERSONNEL EXEMPT FROM LIABILITY IN
EMERGENCY FIRST AID CASES

Provides that school personnel shall be exempt from civil liability if they provide emergency first aid or transportation to a student.

CHAPTER 375

STUDENT ABSENCES FOR RELIGIOUS BELIEFS

Requires educational institutions to accomodate any student who, because of religious beliefs must be absent from class.

CHAPTER 690

A PERIOD OF SILENCE IN PUBLIC SCHOOLS

Deletes from the current law the references to "meditation and prayer."

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ELDERLY

CHAPTER 570

PREVENTING SALE OF PUBLIC HOUSING UNITS

Prohibits the mandatory sale of public housing units when their bonds have matured. Sets forth six criteria that must be met before any sale can occur.

CHAPTER 475

PROHIBITING CHARGES IN EXCESS OF MEDICARE REIMBURSEMENTS

Prohibits physicians who treat medicare patients from charging patients more than the amount Medicare reimburses.

CHAPTER 582

AVAILABILITY OF PRESCRIPTION DRUGS

Changes the form used to dispense prescription drugs by placing more responsibility on physicians to indicate their preference for giving patients a brand name drug. By requiring physicians to write "no substitution" under their signature on the revised prescription form, this law is intended to achieve greater dispensing of generic equivalents to brand name drugs.

CHAPTER 755

LOCAL CONTROL OVER ELDERLY HOME CARE CORPORATIONS

Now senior citizens will hold a majority of the positions on the boards of the state's 27 home care corporations.

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ELECTION LAWS

CHAPTER 113

RELATING TO ABSENTEE VOTING

Allows a voter who must use an absentee ballot to complete the application form and actually vote at that time before a registrar or clerk.

CHAPTER 383

ABSENTEE VOTING FOR THE DISABLED

Requires an absentee ballot be sent to each voter on the disabled voters list. Currently, a voter on the list must request a ballot for each election.

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ENVIRONMENTAL

CHAPTER 590

ACID RAIN CAP

Caps sulfur dioxide emissions that cause acid rain and provides for an emission reduction program.

CHAPTER 335

INCREASED FINES FOR POLLUTING THE AIR

Increases maximum fines for polluting the air, for a first time offender, from \$50 up to \$5000.

CHAPTER 95

CIVIL PENALTIES FOR ENVIRONMENTAL VIOLATORS

Authorizes the Department of Environmental Quality Engineering to assess civil penalties on violators of environmental laws/regulations. Previously court action was required.

CHAPTER 592

MASSACHUSETTS WATER MANAGEMENT LAW

Provides for the combined management of the state's ground and surface water. Department of Quality Control Engineering will administer through a licensing and permit process.

CHAPTER 786

WATER POLLUTION CONTROL PROJECTS

Creates \$424 million in bonding authorizations to construct or reconstruct wastewater facilities, water collection systems, leak detection, aquifer clean up projects.

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HEALTH CARE

CHAPTER 324

NATIONAL HEALTH CARE BALLOT QUESTION

Requires that a question be placed on the biennial state election asking state voters whether a national health care program should be passed.

CHAPTER 574

HOSPITAL COST CONTAINMENT

Extends effort to contain the costs of providing hospital care.

CHAPTER 298

PATIENTS' RIGHT TO INFORMATION BEFORE MEDICAL TREATMENT

Requires physicians and other health care providers to post in a conspicuous place a notice indicating whether they accept Medicare and Medex reimbursement as payment in full. It augments the balance billing law of 1984.

CHAPTER 654

GREATER DIAGNOSTIC TOOLS FOR OPTOMETRISTS

Allows optometrists to use eye drops for diagnostic purposes; its intent is to give optometrists more tools to correct vision problems and for earlier detection of disease.

CHAPTER 714

ADDITIONAL INFORMATION FOR PROSPECTIVE MOTHERS

Adds to the current "Patients Rights" law by requiring hospitals to provide information relative to the need for caesarian section procedures.

CHAPTER 716

RESPITE CARE SERVICES

Exempts from the law requiring respite care be provided on a sliding fee basis those individuals classified as developmentally disabled.

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HOUSING

CHAPTER 99

TENANTS WORKING FOR LOCAL HOUSING AUTHORITY

Allows public housing tenants to be employed by the local authority as long as they meet all occupancy requirements including income limitations.

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INSURANCE

CHAPTER 223

LIQUOR LIABILITY INSURANCE

Creates a joint underwriting association consisting of all insurers to provide liquor liability insurance.

CHAPTER 671

FREEZE OF MEDICAL MALPRACTICE INSURANCE RATES

Freezes medical malpractice premiums at the 1983-84 level; provides a four month study period made to study and propose long term solutions to the high cost of this insurance.

CHAPTER 520

PROHIBITING INSURANCE DISCRIMINATION

Prohibits an insurance company from discriminating on the basis of an individual being mentally retarded.

CHAPTER *

CITIES AND TOWNS INSURANCE PROTECTION

Authorizes cities and towns to form self insurance pools. It serves as a valuable means by which municipalities can obtain otherwise unobtainable insurance coverage.

CHAPTER 628

HEALTH INSURANCE COVERAGE FOR CARDIAC REHABILITATION

Mandates health insurance plans to increase coverage for the expenses of cardiac rehabilitation, including medically necessary treatment of persons with documented cardiovascular disease.

CHAPTER 715

MEDICAL INSURANCE FOR PREGNANT WOMEN AND TEENAGERS

Ensures pregnancy coverage for single women and dependent teenagers. The same level of benefits must be provided for maternity-related conditions as for other medical conditions.

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ANIMAL CONTROL AND REGULATION

CHAPTER 308

CITY/TOWN DOG LICENSING CONTROL

Permits municipalities to establish their own animal control program. Previously, General Court approval was required.

CHAPTER 394

PROHIBITING THE PAINFUL KILLING OF IMPOUNDED DOGS

Mandates that municipal animal shelters must utilize humane methods when disposing of unclaimed dogs, further requires this action to only be done by a licensed veterinarian.

CHAPTER 455

REGULATING THE DISPOSAL AND RESTRAINING OF VICIOUS DOGS

Provides for imprisonment of a person convicted a second time for owning or housing a vicious dog.

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PUBLIC HEALTH

CHAPTER 614

REMOVAL OF ASBESTOS FROM SCHOOLS

Provides financial assistance to public and private schools for the removal of asbestos from pipes, ceiling, etc. A total of \$30 million was approved.

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PUBLIC SAFETY

CHAPTER 416

SEAT BELT LAW

Mandates use of seat belts. Proponents cite statistics that project that 100 lives will be saved and 5000 serious injuries prevented during the coming year. Provides for a \$15 fine for each violation and requires that a vehicle must have been stopped for a motor vehicle infraction before seat belt citation can be issued.

CHAPTER 168

MANDATORY REPORTING OF MOTOR VEHICLE
ACCIDENTS

This law increases the amount of motor vehicle property damage from \$500 to \$1000 for the mandatory reporting of an accident to the Registry and police.

CHAPTER 391

REVOCATION OF SUSPENSION OF MOTOR VEHICLE
LICENSE

Authorizes the Registrar of Motor Vehicles to suspend or revoke the license of any resident who has been convicted of a motor vehicle offense in another state.

CHAPTER 349

REGULATING THE CARRYING OF DANGEROUS WEAPONS

Makes the carrying or possession of a blow gun a crime; sets penalties of from 2 1/2 to 5 years and maximum fine of \$50.

CHAPTER 385

PENALTY FOR FAILING TO HAVE A MOTOR VEHICLE
INSPECTED

Subjects persons who fail to have a safety inspection performed or who operate a vehicle without a certificate of inspection or rejection to a \$50 fine.

CHAPTER 3

SUICIDE PREVENTION IN JAILS

Requires that each lock up facility shall be equipped with certain protective devices to protect against suicides.

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STATE GOVERNMENT

CHAPTER 231

IMPROVED LAW ENFORCEMENT BY DEPARTMENT OF
FISHERIES, WILDLIFE AND RECREATIONAL VEHICLES

Reorganizes the Department with the objective of increasing its law enforcement capability; all revelant laws are under one enforcement jurisdiction.

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TAXATION

CHAPTER 711

ESTATE TAX REVISION

Raises the estate tax exemption from \$60,000 to \$200,000; homemakers whose spouses die are credited a 50% interest in the entire estate.

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TRANSPORTATION

CHAPTER 460

UPGRADING STEAMSHIP AUTHORITY'S FLEET

Increases the Woods Hole, Martha's Vineyard and Nantucket Steamship Authority's bonding authorization by \$5 million in order to permit the Authority to refurbish or replace its existing fleet.

CHAPTER 384

IMPROVEMENTS TO SCENIC ROADS

Permits cities and towns to designate certain streets, roads as "scenic roads", thus restricting the removal of trees, walls, etc.

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VETERANS

CHAPTER 114

DEFINING THE TERM "VIETNAM VETERAN"

Expands the definition of active service to include the dates of May 7, 1975 and June 4, 1976.

CHAPTER 28

FLYING THE PRISONERS OF WAR OR MISSING IN ACTION FLAG

Requires the Superintendent of State Buildings to fly the flag as a constant reminder of the MIA's and POW's plight.

CHAPTER 727

INCREASED VALUATION EXEMPTION FOR
VETERANS ORGANIZATIONS

Upon acceptance by a city/town veteran organization's personal and real property valuation exemption can be raised from \$200,000 to \$400,000.

CHAPTER 709

INCREASED COST OF LIVING BENEFITS FOR
VETERANS

Provides for a 5% cost of living increase for recipients of veteran benefits.

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MISCELLANEOUS

CHAPTER 239

PROHIBITING MANDATORY RETIREMENT

Establishes higher retirement allowance standards for those individuals 65 years of age who are covered by the mandatory retirement law.

CHAPTER 370

FINANCING FOR POWER-PRODUCTION FACILITIES

Allows the Massachusetts Industrial Finance Agency to provide low cost financing for cogeneration and small power projects; thereby helping to lower energy prices, spur economic development and reduce dependence on imported energy.

CHAPTER 277

INDIAN LAND CLAIMS SETTLEMENT

Implements the terms of the negotiated land claim settlement between the town of Gay Head and the Wampanoag Indians. Federal legislation is necessary to finalize the settlement.

CHAPTER *

AUTHORITY OF GUARDIANS OF RETARDED PERSONS

Requires that the guardian or nearest relative shall be notified by the Department of Mental Health before a mentally retarded person is transferred to a residential facility.

CREATING A SPECIAL COMMISSION FOR THE DEAF
AND HARD OF HEARING

Sets up a special commission under the Executive Office of Human Services which purpose is to provide expanded services for the deaf and hard of hearing.

* CHAPTER NUMBER NOT ASSIGNED AS OF DATE OF THIS PUBLICATION

RULES REFORM:
ACTIONS INVOLVING HOUSE AND JOINT RULES

As a result Keverian-sponsored initiatives, both the House Rules and the Joint Rules were changed significantly to increase openness and participation in the legislative process. Following is a summary of the changes to the House and Joint Rules as adopted for the 1985-86 General Court:

HOUSE RULES CHANGES

House Rule 1A was amended to permit the House to vote on suspension of the 10 A.M. - 10 P.M. rule at the hour of ten o'clock P.M.

House Rule 7A (new) was added to establish a House Committee on Steering and Policy. The nine-member committee is charged with the responsibility of identifying legislative priorities and advising the Speaker and the House on their relative priority and policy options.

House Rule 12 was amended to direct the House Clerk to prepare an Advance Calendar to be made available on the day before legislative debate.

House Rule 17 was amended to increase the membership of the House Committee on Ways and Means. It was also amended to establish as House policy that committee hearings and executive sessions should not be scheduled to conflict with formal House sessions.

House Rule 17C (new) was added to establish a House committee on Personnel and Administration. The thirteen-member committee is charged with the responsibility of formulating a plan (1) the allocation of office space among the various members and joint and standing committees on the part of the House and their respective House staffs, and (2) for staffing levels and positions for each joint and standing committee of the House as well as a classification plan for all House employees.

House Rule 18 was amended to provide minority party caucus ratification of the Minority Leader's appointments and removals of floor leadership. While majority party caucus ratification of such appointments and removals had been instituted on November 17, 1983, the rule was amended to make the Speaker's nomination of assistant vice-chair of the Ways and Means Committee also subject to caucus ratification. Finally, the rule stipulates as House policy that the Speaker should establish a committee scheduling system which minimizes scheduling conflicts.

House Rule 18A was amended to guarantee minority party membership on House and Joint committees. . . at least equal to the percent of minority party membership in the House.

House Rule 18B (new) was added to require that party caucus ratification votes be by written ballot and by majority vote of those present and voting.

House Rule 18C (new) was added to impose an eight-year limit on the term of Speaker of the House.

House Rule 20 was amended to require general appropriation bills and capital outlay bills be in print at least ten days before consideration. In addition, all amendments submitted before ordering appropriation bills to a third reading are to be filed 48-hours prior to the second reading and must be voted upon.

House Rule 23B (new) was added to establish equitable postage privileges for all members of the House.

House Rule 27A (new) was added to permit House committees to include a statement of legislative intent on matters reported.

House Rule 28A (new) was added to require the House committee on Bills in the Third Reading to report on all matters within forty-five days of reference.

House Rule 44 was amended to require the Speaker to call a formal session of the House upon petition of 40% of the membership for the purpose of taking up a gubernatorial veto.

House Rule 85A (new) was added to require outside, independent audits of all House financial accounts at the end of each fiscal year.

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JOINT RULES CHANGES

Joint Rule 1 was amended to grant oversight responsibilities to the joint standing committees. The committees are to:

- (1) Review, on a continuing basis, the implementation of laws and administrative regulations, and the State agencies responsible for their execution, the subject of which is within the jurisdiction of that committee;
- (2) Determine whether such laws and administrative regulations are in accordance with the intent of the General Court, and whether they should be continued, curtailed or eliminated; and

(3) Study any conditions or circumstances which may indicate the necessity or desirability of new legislation and, on a continuing basis, undertake research on matters within the jurisdiction of that committee.

Joint Rule 1B (new) was added to require joint standing committees to hold a public hearing on all matters referred to them in each session. The committees may adopt a rule providing for the submission of only written testimony in the second session on those matters publicly heard during the first session.

Joint Rule 1C (new) was added to require joint standing committee to schedule hearings and executive sessions so as not to conflict with formal sessions of the House and Senate . . . insofar as it is practical and feasible to do so.

Joint Rule 1D (new) was added relative to committee meetings:

(1) Requires all meetings of joint standing committee and joint special committees to be open to the public - - with an exception provided for private sessions only upon extraordinary circumstances and only after certain procedures (based upon the Open Meeting law) have been followed;

2) Requires 48-hour notice of all public hearings and executive sessions - - with suspension of this notice provision only in cases of an emergency and only upon recorded vote of at least a majority of committee members but no less than two-thirds of the members of each branch voting; and

(3) Permits committees to exclude any person who is disruptive of committee proceedings.

Joint Rule 3A (new) was added to authorize joint standing committees to report "committee bills." Upon written and signed report of two-thirds of the Senate members and two-thirds of the House members appointed to the committee, it may report a bill not founded upon petition. A public hearing is required, and all such reports must be designated as such on the Calendar.

Joint Rule 4 was amended by adding new provisions relative to committee votes and committee reports:

(1) Upon request of two committee members present at the committee meeting, the vote to report on legislation shall be by roll call. The vote is to be recorded on appropriate forms, maintained in committee offices for the duration of the biennium, and available for public inspection.

(2) A report of a committee shall not be final and shall not be filed until all committee members have been given the opportunity to sign a form indicating their approval, dissension or abstention. Signatures are not valid unless the report accompanies the text of the legislation.

Joint Rule 13 was amended to allow members and members-elect to include a statement of intent with papers presented to the General Court. Joint standing committees may also do so upon favorable report of a measure.

Joint Rule 34 (new) was added to require the Joint Rules Committee to provide for an outside independent audit of joint financial accounts at least by the end of each second fiscal year. Copies of the audit shall be made publicly available.

SPECIAL COMMISSIONS AND SPECIAL COMMITTEES

For the first time in over a decade - - and again upon the initiative of Speaker Keverian - - all special legislative commissions and committees were thoroughly reviewed. The performance evaluation conducted by the House and Senate resulted in the elimination of nearly a dozen of these special study units at a savings of over \$500,000. Of those revived, legislative study continues on a variety of subjects, including the environment, tourism and trade, family and divorce, comparable worth, hazardous and low-level radioactive waste, and tax reform.

In addition, a number of new legislative studies were commissioned during the 1985 session. Of the newly-established special commissions and special committees, the General Court authorized study of building materials toxicity, lead paint poisoning prevention, a small business incubator program, parenting leave, inefficient state government administrative practices, inshore and offshore fisheries, and children in need of service.

SOME SIGNIFICANT HOUSE-PASSED BILLS
THAT DID NOT BECOME LAW

Cancer Patients Rights

H. 6252: House Engrossed 7/22

National Acid Rain Control Program/Ballot Question

S. 2840: House Enacted 7/25

Time Share Act

H. 6120: House Engrossed 8/19

Smokeless Tobacco Tax

H. 6303: House Engrossed 9/17

School Department Budgets/City Council Approval

H. 2355: House Engrossed 9/11

Reselling of Tickets

H. 6618: House Engrossed 9/30

Sales Representatives/Regulation

H. 6746: House Engrossed 10/7

Fair Housing/Real Estate Brokers

H. 6754: House Engrossed 10/9

Independent Candidates/Filing Deadlines

H. 968: House Engrossed 10/23

Clean Air Act

H. 6732: House Engrossed 10/23

Public Officials and Employees/Compensation Study

H. 6840: House Adopted 10/31

Pituitary Gland Bank Bill

H. 6431: House Engrossed 11/12

Dioxin Emissions/Level in Commonwealth

H. 6897: House Engrossed 11/18

Sexual Harassment Ban

H. 5963: House Engrossed 11/18

Citizens Utility Board

S. 872: House Engrossed 12/2

PAC Contributions Limitations

H. 6990: House Engrossed 12/11

Handicapped Needs/Study

H. 6997: House Engrossed 12/12

Mentally Retarded/Sheltered Workshops

H. 6012: House Engrossed 12/16

First Mortgage Lenders/Licensing

H. 23: House Engrossed 12/16

Library Building Assistance Commission

H. 7009: House Engrossed 12/16

Mandatory Retirement/Public Employees

H. 6976: House Engrossed 12/17

Revere Flooding/\$3 Mil State Assistance

H. 6610: House Engrossed 12/18

Auto Damage and Collision Repair Facility/Licensing

H. 6970: House Engrossed 12/19

Medical Assistance Program/Income Requirements

H. 2190: House Engrossed 12/20

Vietnam Veterans/Educational Benefits

H. 6624: House Engrossed 12/20

Transportation Development/Small Business Assistance

H. 6969: House Engrossed 12/20

CHILD SUPPORT/IMPROVE COLLECTION

H. 7024: House Engrossed 12/20

Presumptive Sentencing

H. 6630: House Enacted 12/31

Living Will

H. 2421: House accepted conference committee report 12/31

State Ethics Commission/Powers

H. 7034: House accepted conference committee report 12/31

SOME SIGNIFICANT SENATE-PASSED BILLS
THAT DID NOT BECOME LAW

Abandoned Property/Tax Abatements

S. 2361: Senate Engrossed 6/24

Marihuana Therapeutic Research

S. 2340: Senate Engrossed 7/17

Head Injuries/Central Registry

S. 929: Senate Engrossed 7/17

Court Facilities Improvement

S. 2413: Senate Engrossed 9/9

Wetlands Protection Act/Wildlife Protection

S. 2439: Senate Engrossed 9/30

Charles Street Jail/MGH Land Swap

S. 2522: Senate Engrossed 10/30

Campaign Contributions/Increased Reporting Levels

S. 2546: Senate Engrossed 10/28

School Breakfast Law

S. 2544: Senate Engrossed 11/13

Physician Assistants/Expanded Role

S. 2461: Senate Engrossed 12/17

Disabled Persons Protection Commission

S. 2618: Senate Engrossed 12/11

Attorney General Detective Bureau

S. 2654: Senate Engrossed 12/19

Homelessness/Additional Assistance

S. 2669: Senate Engrossed 12/26

Prisons/State Assumption

S. 2678: Senate Ways and Means Report, in part, on
H. 6800 . . . engrossed 12/30

DAVID B. WILSON

An A for legislators...

Like hurling in Dublin and curling in Edinburgh and girling in Bangkok and London, pol-bashing is a sport enthusiastically practiced in Boston, home of the mean and the odd, where the spirit of James Michael Curley reigns over the Puritan sod.

Roguery and knavery are meat and drink here. Citizens expect elected officeholders to operate in the shadow of the hoosegow. To suggest otherwise is like rooting for the Yankees, a kind of treason.

So when the Massachusetts Legislature performs superbly, as it has this year, people are liable not to notice. So convinced are the taxpayers that Beacon Hill is the Combat Zone of public life in America that they find it difficult to recognize any reality inconsistent with that stereotype.

Perhaps it is the Christmas season that prompts the preceding observations. Christmas mellowness and the astonishing prosperity of a state which for a couple of generations had thought of itself as a depressed area. But the legislative session which is about to pass into history has written a record of accomplishment which, it seems to me, is unusually distinguished.

Who would have believed when House and Senate convened last January that they would actually repeal the state personal income surtax, the biggest tax cut ever, returning something like \$331 million a year to the people who earned it?

Sure, Barbara Anderson's signature squads and Gov. Dukakis' political astuteness had a lot to do with it; nevertheless, the people's representatives listened to the people and gave the money back. This sort of thing is likely to give politics a good name.

And what about the workers' compensation bill, enacted in a cooperative effort by organized labor and industry to try genuinely to improve a system that has been a scandal for decades?

Senate Ways and Means Chairman Patricia McGovern (D-Lawrence) had the budget on the governor's desk for signature in the last week of June, only the second time in a decade that a budget has

been passed on time.

Then there was the education bill which sent millions to local school systems to upgrade instruction and help revive teacher morale, sorely stressed by social change and fiscal stringency.

Boston got its bailout, and, perhaps as important, other communities got the right to impose hotel-motel and aircraft-fuel taxes, setting a precedent for possible future expansion of the local taxing power.

Rules reform was firmed up early in the year.

The "right to know" bill was funded, dealing with hazardous substances in the community and the workplace in a manner endurable by government and industry.

Action was taken on the homeless; on acid rain, wetlands protection, asbestos removal and scholarships.

The governor's presumptive-sentencing bill is, apparently, about to be passed and sent to him for signature, and a \$273-million capital-outlay authorization for corrections gave additional evidence of the state's determination to do something serious about crime.

The lawmakers quite sensibly held off on funding infrastructure rehabilitation with a unitary tax. With the price of gasoline almost certain to drop in 1986 as crude oil prices plunge, the alternative of raising fuel taxes to fund renovation of bridges, highways, mass transit and other public facilities seems daily more sensible.

Maybe there's hope for representative government after all. If this kind of performance keeps up, service in the Legislature may come to be regarded as an honor.

That would be tough on journalists, who thrive on crises, indictments, corruption, scandals and outrages. But for now, never mind. Senate President William Bulger, House Speaker George Keverian, Minority Leaders John F. Parker and William G. Robinson and their colleagues have earned a Merry Christmas and a Happy New Year.

David B. Wilson is a Globe columnist.

